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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 STEPHEN K. WEINSTONE,

11 Plaintiff,

12 v.

13 PIERCE COUNTY PROSECUTOR,

14 Defendant.

CASE NO. 3:15-CV-05255-BHS-DWC

ORDER ON MOTION FOR
APPOINTMENT OF COUNSEL

15 The District Court has referred this 42 U.S.C. § 1983 action to United States Magistrate
16 Judge David W. Christel. Currently pending in this action is Plaintiff's Motion for Appointment
17 of Counsel. Dkt. 4. No constitutional right to appointed counsel exists in a § 1983 action.
18 *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981); *see United States v. \$292,888.04 in*
19 *U.S. Currency*, 54 F.3d 564, 569 (9th Cir. 1995) (“[a]ppointment of counsel under this section is
20 discretionary, not mandatory”). However, in “exceptional circumstances,” a district court may
21 appoint counsel for indigent civil litigants pursuant to 28 U.S.C. § 1915(e)(1) (formerly 28
22 U.S.C. § 1915(d)). *Rand v. Roland*, 113 F.3d 1520, 1525 (9th Cir. 1997), *overruled on other*
23 *grounds*, 154 F.3d 952 (9th Cir. 1998). To decide whether exceptional circumstances exist, the
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1 Court must evaluate both “the likelihood of success on the merits [and] the ability of the
2 [plaintiff] to articulate his claims *pro se* in light of the complexity of the legal issues involved.”
3 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986) (*quoting Weygandt v. Look*, 718
4 F.2d 952, 954 (9th Cir. 1983)). A plaintiff must plead facts showing he has an insufficient grasp
5 of his case or the legal issues involved and an inadequate ability to articulate the factual basis of
6 his claims. *Agyeman v. Corrections Corp. of America*, 390 F.3d 1101, 1103 (9th Cir. 2004).

7 Plaintiff submitted an Application for Court-Appointed Counsel Motion form containing
8 only his signature. Dkt. 4. He provided no reasons for why he is requesting court appointed
9 counsel. The Court notes his case does not involve complex facts or law, and Plaintiff has not
10 shown an inability to articulate the factual basis of his claims in a fashion understandable to the
11 Court. Plaintiff has also not shown he is likely to succeed on the merits of his case. Accordingly,
12 Plaintiff’s Motion for Appointment of Counsel is denied without prejudice.

13 Dated this 26th day of June, 2015.

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15 David W. Christel
16 United States Magistrate Judge
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